



EUROPEAN UNION

DELEGATION TO GEORGIA

The Head of Delegation

Tbilisi, 25 April 2012
PD/CA/il (2012) D/00279

Subject: Changes and Amendments to the Law on Nature Protection of Georgia

Dear Prime Minister,

The European Union is a firm supporter of Georgia's aspirations to reform the country to the highest international standards. Adoption of EU norms and acquis are also taking place in a fast pace, as the Association agreement negotiations are moving forward, which will lead to higher integration with the EU.

Regarding one of our policy cooperation areas, environment, our dialogue with the Government of Georgia is enabling us to discuss our common projects, but also to assure that we understand each other correctly regarding policy reforms.

In this respect, the recent amendments to the Law on Nature Protection of Georgia, signed by the President on 30 March 2012, came to our attention.

Prior to this, on 19 March, the EU Delegation was in contact with the Minister of Energy and Natural Resources regarding the contents that we deemed in part, problematic. The Minister assured the EU Delegation that agreements would only cover previous unlawful activities, and a statement to this effect has also been put on the government web site. However, in order to provide legal certainty, it would be preferable if the issue of the applicability of agreements were to be clarified in the legal text itself.


H. E. Mr Nika Gilauri
Prime Minister of Georgia

Our objective with this letter is to get clarity on the exclusively retrospective application of the recent amendments to the Law on Nature Protection of Georgia, on which public concerns have been voiced. While there may be good reasons for addressing environmental offenses committed in the past in a pragmatic way, there are concerns about the possible application of agreements between companies and the government as regards ongoing or future activities of these companies. Such an approach would of course violate multilateral environmental agreements that Georgia has signed up to and would contradict the current trend of Georgia's further approximation to the EU environmental acquis.

Thus, we deem it is in Georgia's own interest to clarify this issue. It is also in its interest of European and other foreign investors to have such clarity on the rules they have to follow. For example, in order for the European Investment Bank and EBRD to continue to engage in infrastructure projects in Georgia, they need clarity about the applicable environmental legislation in order to assess the feasibility of projects as part of their due diligence procedures.

In addition, the EU is supporting the reform of Georgia's environmental protection policy through various bilateral and regional technical assistance projects. The amendments, unless clarified, unfortunately create some confusion as to the Government's intentions with regard to this reform process.

Yours sincerely,



Philip Dimitrov
Ambassador

Copy to: H.E. Mr Alexandre Khetaguri
Minister of Energy and Natural Resources of Georgia